

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal No. 07-CR-3210
Plaintiff,)
v.) **PROOF OF SERVICE**
JOSE MACEDO-DE LA CRUZ,)
Defendant.)

I, ROBERT L. SWAIN, am a citizen of the United States and am at least eighteen years of age. My business address is 964 Fifth Avenue, Suite 214, San Diego, California, 92101.

I am not a party to the above-entitled action. I have caused service of the Notice of Motion and Motion to: Dismiss the Indictment for Invalid Deportation and attached exhibits on the following parties by electronically filing the foregoing with the clerk of the District Court using its ECF System, which electronically notifies them.

Judge Thomas J. Whelan efile_Whelan@casd.uscourts.gov

Assistant United States Attorney Rebecca.Kanter@usdoj.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 15, 2008.

/s/ Robert L. Swain
ROBERT L. SWAIN